

Form apcsvap

**UNITED STATES BANKRUPTCY COURT**  
Northern District of West Virginia

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In Re: David Andrew Levine and Monica Larson Levine  
Debtor(s)

Case No.: 3:19-bk-01048

Thomas Fluharty ,  Trustee of the Bankruptcy Estate of David Levine and Monica Levine AND Martin P. Sheehan, Trustee of the Bankruptcy Estate of Geostellar, Inc.  Plaintiff(s)	Philadelphia Indemnity Insurance Company ,  David A. Levine  Defendant(s)
v.	

Adv. Proc. No. 3:21-ap-00019

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**CLERK'S SERVICE OF NOTICE OF APPEAL, AND  
NOTICE OF DEADLINES TO DESIGNATE THE RECORD AND  
PROVIDE STATEMENT OF ISSUES ON APPEAL**

On March 21, 2022 the Bankruptcy Clerk entered the Court's Order that Granting Motion to Dismiss Adversary Proceeding Filed by Philadelphia Indemnity Insurance Company. On March 23, 2022 , Plaintiffs Thomas Fluharty and Martin P. Sheehan filed a Notice of Appeal of the Court's Order.

Pursuant to Rule 8003(d), the Bankruptcy Clerk is promptly transmitting the notice of appeal to the District Court.

Due Dates for Designations of Record and Statement of Issues on Appeal:

<i>Date by Which Item Must Be Filed with the Bankruptcy Clerk</i>	<i>Item Due</i>
14 Days from Notice of Appeal	<p>Appellant's designation of the items to be included in the record on appeal and statement of the issues to be presented.</p> <p>Appellant must order from a qualified transcriptionist, in writing, such parts of the proceedings not already on file as the Appellant considers necessary for the appeal. The Appellant must file a copy of that order with the Bankruptcy Clerk. If no transcript is being ordered, the Appellant must file a certificate with the Bankruptcy Clerk that the Appellant is not ordering a transcript.</p>
14 Days from Service of Appellant's Designation of Items to be Included in the Record and Statement of Issues on Appeal	<p>Appellee's designation of additional items to be included in the record. If the Appellee is represented by counsel, service of the Appellant's designation of items to be included in the record occurs when the Appellee's counsel receives the notice of electronic filing. If the Appellee is pro se, service occurs when the Appellant places the designation of the items to be include in the record in the mail.</p> <p>Appellee's cross appeal, if any. If a cross-appeal is filed, the Cross-Appellant must file with the bankruptcy clerk a designation of the additional items to be included in the record on appeal and a statement of the issues to be presented in the cross-appeal.</p>

14 Days from Service of Cross–Appellant's Designation of Items to be Included in the Record and Statement of Issues on Appeal

Cross–Appellee's designation of additional items to be included in the record. If the Cross–Appellee is represented by counsel, service of the Cross–Appellant's designation of items to be included in the record occurs when the Cross–Appellee's counsel receives the notice of electronic filing. If the Cross–Appellee is pro se, service occurs when the Cross–Appellant places the designation of the items to be included in the record in the mail.

If the designated document is available electronically through the Bankruptcy Clerk's CM/ECF System, parties may designate items by document number and title on the Court's electronic docket without providing paper copies to the Bankruptcy Clerk.

**Agreed Statement as to the Record on Appeal:** In lieu of making independent designations of items to be included in the record on appeal and a statement of the issues presented, the parties to the appeal may, within 14 days of the filing of the notice of appeal, file an agreed statement as to the record on appeal under Fed. R. Bankr. P. 8009(d). The Agreed Statement must show how the issue being presented by the appeal arose and how it was decided by the bankruptcy court. The statement must set forth only those facts alleged and proved or sought to be proved that are essential to the court's resolution of the issues. Any such statement must be approved by the bankruptcy court and certified by the bankruptcy judge to the court where the appeal is pending.

Date of Issuance: 3/24/22

Clerk of Court  
U.S. Bankruptcy Court  
Northern District of WV  
Post Office Box 70  
Wheeling, WV 26003  
304–233–1655

## Notice Recipients

District/Off: 0424-3

Case: 3:21-ap-00019

User: ad

Form ID: apcsvap

Date Created: 3/24/2022

Total: 13

**Recipients of Notice of Electronic Filing:**

pla	Thomas Fluharty	wv12@ecfcbis.com
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aty	Debra Tedeschi Varner	dtvarner@vv-wvlaw.com
aty	Martin P. Sheehan	sheehanparalegal@wvdsl.net
aty	Patrick S Cassidy	pcassidy@walslaw.com
aty	Thomas H. Fluharty	THFDEBTATTY@aol.com
	Timothy F. Cogan	tfc@walslaw.com

TOTAL: 7

**Recipients submitted to the BNC (Bankruptcy Noticing Center):**

pla	Martin P. Sheehan	Sheehan & Associates, PLLC	1 Community St., Ste 200	Wheeling, WV 26003
dft	Philadelphia Indemnity Insurance Company	One Bala Plaza	Suite 100	Bala Cynwyd, PA 19004
dft	David Andrew Levine	2426 Steamboat Run Road	Shepherdstown, WV 25443	
aty	David Grassmick	Cope Ehlers PC	135 South LaSalle Street	Suite 3050 Chicago, IL 60603
ust	United States Trustee	2025 United States Courthouse	300 Virginia Street East	Charleston, WV 25301
	Philadelphia Indemnity Insurance Company	Cope Ehlers PC	135 South LaSalle Street	Suite 3050 Chicago, IL 60603

TOTAL: 6